

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EON-NET, L.P.,

Plaintiff,

V.

J. CREW INC.,

Defendant.

07 Civ. 10488 (PKC)

ANSWER

Defendant J. Crew Inc. (“J. Crew”), by its attorneys Cleary Gottlieb Steen & Hamilton LLP, as and for its Answer to the Complaint of Plaintiff Eon-Net, L.P. (“Eon-Net”), dated November 19, 2007 (the “Complaint”), states as follows:

THE PARTIES

1. J. Crew denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1 of the Complaint.

2. J. Crew denies that J. Crew is a business organized and existing under the laws of the State of New York. J. Crew admits the remaining allegations in paragraph 2 of the Complaint. J. Crew further admits that J. Crew is a corporation organized and existing under the laws of the State of New Jersey.

JURISDICTION AND VENUE

3. J. Crew admits that the Complaint purports to assert claims under certain Acts of Congress related to patents, including Title 35 United States Code. J. Crew admits the allegations of the second sentence of paragraph 3 of the Complaint.

4. J. Crew admits the allegations in paragraph 4 of the Complaint.

5. J. Crew admits the allegations in paragraph 5 of the Complaint.

CLAIM FOR PATENT INFRINGEMENT

6. In response to paragraph 6 of the Complaint, J. Crew repeats and realleges each and every response set forth in paragraphs 1 through 5 of this Answer as if fully set forth herein.

7. J. Crew admits that copies of documents that appear to be U.S. Patent No. 6,683,697 (“the ‘697 patent”) and a Certificate of Correction to the ‘697 patent are attached as Exhibit 1 to the Complaint. J. Crew denies the allegations in the first sentence of paragraph 7 of the Complaint. J. Crew denies knowledge or information sufficient to form a belief as to the truth of the allegations in the second and third sentences of paragraph 7 of the Complaint.

8. J. Crew denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 8 of the Complaint.

9. J. Crew admits that a copy of a document that appears to be U.S. Patent No. 7,075,673 (“the ‘673 patent”) is attached as Exhibit 2 to the Complaint. J. Crew denies the remaining allegations in paragraph 9 of the Complaint.

10. J. Crew denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 10 of the Complaint.

11. J. Crew admits that a copy of a document that appears to be U.S. Patent No. 7,184,162 (“the ‘162 patent”) is attached as Exhibit 3 to the Complaint. J. Crew denies the remaining allegations in paragraph 11 of the Complaint.

12. J. Crew denies knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 12 of the Complaint.

COUNT ONE

13. In response to paragraph 13 of the Complaint, J. Crew repeats and realleges each and every response set forth in paragraphs 1 through 12 of this Answer as if fully set forth herein.

14. J. Crew denies the allegations in paragraph 14 of the Complaint, except admits that the documents designated as Exhibit 4, Exhibit 5 and Exhibit 6 are attached to the Complaint and that J. Crew operates a website at www.jcrew.com. Paragraph 14 of the Complaint otherwise purports to characterize the contents and functionality of J. Crew's website, which speaks for itself.

15. J. Crew denies the allegations in paragraph 15 of the Complaint.

COUNT TWO

16. In response to paragraph 16 of the Complaint, J. Crew repeats and realleges each and every response set forth in paragraphs 1 through 15 of this Answer as if fully set forth herein.

17. J. Crew denies the allegations in paragraph 17 of the Complaint, except admits that the documents designated as Exhibit 4, Exhibit 5 and Exhibit 7 are attached to the Complaint and that J. Crew operates a website at www.jcrew.com. Paragraph 17 of the Complaint otherwise purports to characterize the contents and functionality of J. Crew's website, which speaks for itself.

18. J. Crew denies the allegations in paragraph 18 of the Complaint.

COUNT THREE

19. In response to paragraph 19 of the Complaint, J. Crew repeats and realleges each and every response set forth in paragraphs 1 through 18 of this Answer as if fully set forth herein.

20. J. Crew denies the allegations in paragraph 20 of the Complaint, except admits that the documents designated as Exhibit 4, Exhibit 5 and Exhibit 8 are attached to the Complaint and that J. Crew operates a website at www.jcrew.com. Paragraph 14 of the Complaint otherwise purports to characterize the contents and functionality of J. Crew's website, which speaks for itself.

21. J. Crew denies the allegations in paragraph 21 of the Complaint.

FIRST AFFIRMATIVE DEFENSE

22. The Complaint fails to state any claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

23. J. Crew has not infringed the '697, '673, or '162 patent directly, by inducement or by contribution, literally or under the doctrine of equivalents.

THIRD AFFIRMATIVE DEFENSE

24. The claims of the '697, '673, and '162 patents are invalid under statutory and decisional law for failing to satisfy one or more requirements for patentability set forth in Title 35 of the United States Code and the rules, regulations, and law pertaining thereto, including, but not limited to, the requirements of one or more of the provisions of 35 U.S.C. §§ 101, 102, 103, 112 and 120.

FOURTH AFFIRMATIVE DEFENSE

25. The claims of the Complaint are barred by laches.

FIFTH AFFIRMATIVE DEFENSE

26. The claims of the Complaint are barred by estoppel.

ADDITIONAL AFFIRMATIVE DEFENSES

27. J. Crew hereby gives notice that it intends to rely upon any other defense or defenses that may become available or appear during the pre-trial proceedings in this case and hereby reserves the right to amend this Answer to assert any such defenses.

WHEREFORE, J. Crew respectfully requests that this Court enter a judgment dismissing the Complaint in its entirety with prejudice and awarding J. Crew costs, disbursements, and attorneys' fees incurred in defending against this Complaint, together with such other and further relief to J. Crew as the Court determines to be just and proper under the circumstances.

Dated: New York, New York
January 22, 2008

Respectfully submitted,

CLEARY GOTTlieb STEEN & HAMILTON LLP

By: /s Lawrence B. Friedman
Lawrence B. Friedman
A Member of the Firm

One Liberty Plaza
New York, New York 10006
(212) 225-2000

Attorneys for Defendant J. Crew Inc.